

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|------------------------------------|---|----------------------------|
| GLEN ELLYN PHARMACY, INC., |) | |
| on behalf of plaintiff and |) | |
| the class members defined herein, |) | |
| |) | |
| Plaintiff, |) | 14-cv-8132 |
| |) | |
| v. |) | |
| |) | |
| EXP PHARMACEUTICAL SERVICES CORP., |) | Honorable Judge Pallmeyer |
| and JOHN DOES 1-10, |) | Magistrate Judge Schenkier |
| |) | |
| Defendants. |) | |

**PLAINTIFF'S MEMORANDUM
OF ACCOUNTING OF CLASS ACTION SETTLEMENT**

Plaintiff Glen Ellyn Pharmacy, Inc. respectfully submits the following accounting of the Class Funds.

1. The Party's settlement in the above matter was finally approved by this Court on August 31, 2015. *See* Docket No. 47.

2. According to the terms of the settlement, a Settlement Fund was created consisting of a total of \$35,000. *See* Declaration of Catherine Lattuner, Exhibit A.

3. On August 31, 2015, the Court granted Class Counsel attorneys' fees and costs in the total amount of \$11,860.74. *See* Docket No. 47.

4. Class Counsel incurred a total of \$194.07 in costs of sending facsimile notice to the class, administration of the settlement fund to the class, as well as costs relating to management of class-member inquiries:
 - a) \$35.07 in costs related to faxing notice of proposed class action settlement to the class. *See* Declaration of Andrew Barnett, Exhibit B.

- b) \$166.95 in costs related to administration of the settlement fund. (Exhibit B)¹

5. In total, Class Counsel received \$11,860.73 for attorneys' fees and reimbursement of costs of suit. From this amount, a check for the cost of administration of the settlement fund (\$194.07 made payable to Class-Settlement.com) was deducted. (Exhibit A)

6. On September 30, 2015, Class Counsel mailed Plaintiff Robert ListECKI a class representative award payment in the amount of \$2,000.00. *See* Letter to Robert ListECKI, Exhibit C.

7. According to the terms of the settlement, each member of the Settlement Class who submitted a valid claim was entitled to receive a pro rata share of the amount remaining in the Settlement Fund after payment of the class representative award and fees and expenses to class counsel. After payment of Plaintiff's recovery and the attorney's fees and costs to Class counsel, a total of \$21,139.27. remained to be distributed as 62 claims paid out to 62 valid claimants. This resulted in a maximum payment of \$340.95 for each valid claim, which rendered a total distribution to claimants at \$340.95 and left \$0.37 of undistributable funds remaining in the Settlement Class Fund due to rounding to the nearest cent. (Exhibit B)

8. On September 30, 2015, Class Counsel mailed Class-Settlement.com \$21,139.27 made out to the Class-Settlement.com Fund to be distributed to Class Members, representing \$340.95 for each of the 62 Class Member shares.

9. On October 20, 2015, Plaintiff's agent, Class-Settlement.com, caused the mailing of settlement payments to all class members who submitted timely and valid claims. Each class

¹ The difference between the cost related to administration of the settlement fund listed in this Memorandum, and that which was initially estimated, was absorbed by Class Counsel.

member received a payment of \$340.95 per valid claim. The void date on the class members' settlement checks was 90 days after the issue date, or December 19, 2015. (Exhibit B)

10. On March 4, 2016, Class Counsel instructed Class-Settlement.com to reissue two class members' settlement checks that had not yet been cashed or deposited. The void date on these checks was March 31, 2016. As of March 18, 2016, the two reissued checks have cleared.

11. Class Counsel paid Class-Settlement.com \$166.95 for distribution of the Class-Settlement Fund and for maintaining the Class-Settlement Fund Account.

12. All class members deposited their class member payments in advance of the void dates, leaving no undistributed funds resulting from uncashed class member checks. (Exhibit B)

13. On March 20, 2016, Class-Settlement.com issued and mailed a check in the amount of \$0.37 representing the funds remaining as undistributable to Defendant, EXP Pharmaceutical Services Corp.

Respectfully submitted,

/s/ Dulijaza Clark

Dulijaza (Julie) Clark

Daniel A. Edelman

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on this 22nd day of March 2016. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system (ECF). Parties may access this filing through the Court's ECF system.

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/s/ Dulijaza Clark
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